

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

SHIRLEY A. CARPIN, as Executor of the
Estate of SHIRLEY A. HILSTER,
deceased, and CHARLES W. HILSTER,
JR., individually,

No. 2:20-cv-01537

Plaintiff,

vs.

A.O. SMITH CORPORATION, et al.,

Defendants.

**DEFENDANT ECKEL INDUSTRIES, INC.'S
MOTION FOR SUMMARY JUDGMENT**

Defendant, Eckel Industries, Inc. ("Eckel"), by and through its undersigned counsel of record, Kelly L. Smith, and the law firm of Post & Schell, P.C., pursuant to F.R.C.P. 56 moves this Court for an Order granting it summary judgment on the basis that there is insufficient evidence that Shirley Hilster was exposed to asbestos from any product sold or distributed by Eckel. Alternatively, Eckel did not owe a duty of care to Shirley Hilster since it had no reason to know of the hazards associated with bystander exposure to asbestos when it sold any products to Electric Boat. Lastly, Plaintiffs have failed to adduce any evidence that Eckel acted with reckless disregard to support entitlement to punitive damages.

Counsel for the parties discussed the issues raised in this motion on February 14, 2022, in an effort to resolve and/or eliminate certain causes of actions asserted against

Eckel. Unfortunately, the parties were unable to reach a consensus on those issues. Counsel anticipates that further discussions will be held following the filing of this motion.

Accordingly, Eckel files this motion for summary judgment and hereby incorporates, as though fully reproduced herein, its contemporaneously filed Memorandum in Support of Motion for Summary Judgment and all Exhibits thereto, in support of the instant Motion. A proposed Order of Court has been filed separately.

Respectfully submitted,
POST & SCHELL, P.C.

/s/ Kelly L. Smith
Kelly L. Smith, Esquire

One Oxford Centre
301 Grant Street, Suite 3010
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*Attorneys for Defendant,
Eckel Industries, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 15, 2022, a copy of *Defendant Eckel Industries Inc.'s Motion for Summary Judgment* is being filed electronically through the Court's CM/ECF system.

POST & SCHELL, P.C.

/s/ Kelly L. Smith

Kelly L. Smith, Esquire

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Pittsburgh, PA 15219

*Attorneys for Defendant,
Eckel Industries, Inc.*